

# memorandum

**DATE:** June 14, 2010

**TO:** Michael S. Flad, City Manager  
City Planning Board

**FROM:** Greg Herrmann, Interim Community Development Director  
Via: Michael D. Forbes, Assistant Community Development Director –  
Transportation and Planning  
by Amanda Klotzsche, Assistant Planner

**SUBJECT:** Study Session on Wireless Telecommunications Facilities

**PURPOSE:**

The purpose of this study session is to provide the City Council and Planning Board with an overview of current wireless telecommunications (cell phone) facilities and radio frequency regulations and issues and to seek direction regarding any desired changes to City codes or policies.

**DISCUSSION:**

Burbank's wireless telecommunications facilities ordinance provides development standards for "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services". The most common application of the ordinance has been for cell phone antenna facilities. The ordinance was adopted in 1996 and codified as Burbank Municipal Code (BMC) Section 10-1-1118 (Exhibit A), and has not been amended since its adoption. Since that time, wireless technology has evolved significantly, the number of wireless carriers has increased, and debate regarding the location and appearance of wireless facilities and the potential health impacts associated with radio frequency (RF) emissions has emerged. Additionally, as Burbank's development standards are located in the Zoning Ordinance, they do not apply to facilities located in public rights-of-way, which have no zoning designation.

In response to concerns raised by the community and the Planning Board, staff arranged for a series of joint study sessions to be held between the Burbank City Council and Planning Board to discuss current regulations and concerns. The first of the joint study sessions was held on December 8, 2009 and primarily focused on Burbank's existing wireless telecommunications ordinance and current wireless issues. At that time, the City Council and Planning Board requested a follow-up study session to further discuss the item.

This study session will provide a more in-depth overview of the technical aspects of wireless facilities and how that affects their location and appearance, the regulations that govern RF emissions and the wireless telecommunications industry, and how they impact the ability of local agencies to regulate wireless facilities. Staff has arranged to have Jonathan Kramer, an expert on

RF emissions and telecommunications system planning, give a presentation and be available to answer questions from the City Council and Planning Board (Exhibit B). Mr. Kramer has over 30 years of combined professional experience working as an RF engineer and as a lawyer specializing in telecommunications regulation. Staff has also invited representatives from wireless carriers and the California Wireless Association, a nonprofit association that seeks to raise awareness and provide information about the wireless industry.

**ANALYSIS:**

Burbank's requirements regarding wireless facilities were adopted in 1996 and have not been revised since their adoption. Most facilities that have been approved since then under the ordinance have seen little to no opposition; however, there is recent controversy regarding a proposed facility at Brace Canyon Park that is allowed by right under the zoning but requires City Council approval of a lease because it would be located on City property. Further, a Zone Text Amendment application was submitted to allow wireless facilities at private institutional facilities in the R-1 Single Family Residential zone, which is not currently allowed under the zoning. Concurrent with these issues, the Planning Board has requested to begin receiving additional information about proposed wireless facilities when considering a wireless telecommunications facility Conditional Use Permit application, including technical information about the equipment being used and its RF emissions.

**CONCLUSION:**

Staff has begun preliminary research in preparation for revisions to the City's wireless telecommunications ordinance and will seek additional direction from the City Council and Planning Board regarding the extent of the revisions. Staff also seeks direction regarding any desire for additional study sessions on more specific topics related to wireless facilities and/or community meetings to provide opportunities for public input.

**RECOMMENDATION:**

Staff recommends that the City Council and Planning Board provide input and direction regarding Burbank's wireless regulations and policies.

**LIST OF EXHIBITS:**

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| Exhibit A | Burbank Municipal Code Section 10-1-1118                         |
| Exhibit B | Presentation to be given by Mr. Jonathan Kramer at study session |